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AMENDMENTS TO LB 479

(Amendments to Standing Committee amendments, AM0852)

1 1. Insert the following new sections:

2 "Section 1. Section 66-489, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 66-489. (1) ~~At~~ Commencing July 1, 2004, and continuing
5 through September 30, 2011, at the time of filing the return
6 required by section 66-488, such supplier, distributor, wholesaler,
7 or importer shall, in addition to the tax imposed pursuant to
8 sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and in addition
9 to the other taxes provided for by law, pay a tax of ten and
10 one-half eleven cents per gallon upon all motor vehicle fuel as
11 shown by such return. Commencing October 1, 2011, at the time of
12 filing the return required by section 66-488, such supplier,
13 distributor, wholesaler, or importer shall, in addition to the tax
14 imposed pursuant to sections 66-4,140, 66-4,142, 66-4,145, and
15 66-4,146 and in addition to the other taxes provided for by law,
16 pay a tax of ten and one-half cents per gallon upon all motor
17 vehicle fuel as shown by such return. There ~~7 except that there~~
18 shall be no tax on the motor vehicle fuel reported if (a) the
19 required taxes on the motor vehicle fuel have been paid, (b) the
20 motor vehicle fuel has been sold to a licensed exporter exclusively
21 for resale or use in another state, (c) the motor vehicle fuel has
22 been sold from a Nebraska barge line terminal, pipeline terminal,
23 or refinery by a licensed supplier to a licensed distributor, (d)

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1 the motor vehicle fuel has been sold by a licensed distributor or
2 licensed importer to a licensed distributor or to a licensed
3 wholesaler and the seller acquired ownership of the motor vehicle
4 fuel directly from a licensed supplier at or from a refinery,
5 barge, barge line, or pipeline terminal in this state or was the
6 first importer of such fuel into this state, or (e) as otherwise
7 provided in this section. Such supplier, distributor, wholesaler,
8 or importer shall remit such tax to the department.

9 (2) Agricultural ethyl alcohol shall be exempt from the
10 taxes imposed under this section and sections 66-4,140, 66-4,142,
11 66-4,145, and 66-4,146 and any other taxes provided for by law
12 until the agricultural ethyl alcohol is (a) sold to any person who
13 is not a Nebraska licensed motor vehicle fuels supplier,
14 distributor, wholesaler, or importer, (b) placed directly into a
15 motor vehicle, or (c) blended with gasoline. Agricultural ethyl
16 alcohol that is blended with gasoline shall become subject to the
17 taxes imposed under this section and sections 66-4,140, 66-4,142,
18 66-4,145, and 66-4,146 and any other taxes provided for by law at
19 the same time as the gasoline with which it is blended becomes
20 subject to such taxes or upon blending if such taxes have already
21 been paid on the gasoline.

22 (3)(a) Motor vehicle fuel, methanol, and all blending
23 agents or fuel expanders shall be exempt from the taxes imposed by
24 this section and sections 66-4,140, 66-4,142, 66-4,145, and
25 66-4,146, when the fuel is used for buses equipped to carry more
26 than seven persons for hire and engaged entirely in the
27 transportation of passengers for hire within municipalities or

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1 within a radius of six miles thereof.

2 (b) The owner or agent of any bus equipped to carry more
3 than seven persons for hire and engaged entirely in the
4 transportation of passengers for hire within municipalities, or
5 within a radius of six miles thereof, in lieu of the excise tax
6 provided for in this section, shall pay an equalization fee of a
7 sum equal to twice the amount of the registration fee applicable to
8 such vehicle under the laws of this state. Such equalization fee
9 shall be paid in the same manner as the registration fee and be
10 disbursed and allocated as registration fees.

11 (c) Nothing in this section shall be construed as
12 permitting motor vehicle fuel to be sold tax exempt. The
13 department shall refund tax paid on motor vehicle fuel used in
14 buses deemed exempt by this section.

15 Sec. 2. Section 66-499, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 66-499. All sums of money received under sections 66-489
18 and 66-4,105 by the State Treasurer shall be credited to the
19 Highway Trust Fund, except that commencing July 1, 2004, and
20 continuing through September 30, 2011, one-half cent per gallon of
21 motor vehicle fuel shall be credited to the Ethanol Production
22 Incentive Cash Fund. The State Treasurer shall then transfer such
23 amounts to the General Fund as the department determines are equal
24 to the credits and refunds allowed under sections 66-4,118 to
25 66-4,132 and the amounts required by section 66-4,124.

26 Sec. 3. Section 66-4,105, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 66-4,105. ~~There~~ Commencing July 1, 2004, and continuing
2 through September 30, 2011, there is hereby levied and imposed an
3 excise tax of ~~ten and one-half~~ eleven cents per gallon, increased
4 by the amounts imposed or determined under sections 66-4,140,
5 66-4,142, 66-4,145, and 66-4,146, upon the use of all motor vehicle
6 fuel used in this state and due the State of Nebraska under section
7 66-489. Commencing October 1, 2011, there is hereby levied and
8 imposed an excise tax of ten and one-half cents per gallon,
9 increased by the amounts imposed or determined under sections
10 66-4,140, 66-4,142, 66-4,145, and 66-4,146, upon the use of all
11 motor vehicle fuel used in this state and due the State of Nebraska
12 under section 66-489. Users of motor vehicle fuel subject to
13 taxation under this section shall be allowed the same exemptions,
14 deductions, and rights of reimbursement as are authorized and
15 permitted by Chapter 66, article 4. For purposes of this section
16 and section 66-4,106, use shall mean the purchase or consumption of
17 motor vehicle fuel in this state.".

18 2. On page 12, line 19, strike "and" and show as
19 stricken; and in line 21 after "66-1345.04" insert ", and (g)
20 credited to the Ethanol Production Incentive Cash Fund pursuant to
21 section 66-499".

22 3. On page 15, lines 21 and 22, strike "one" and insert
23 "three-fourths".

24 4. On page 17, line 25, strike "section" and insert
25 "sections 66-489, 66-499, 66-4,105, and".

26 5. Renumber the remaining sections and correct internal
27 references accordingly.